



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 422

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 422 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Employees Group Insurance Act of 1971  
5 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 Sec. 6.11. Required health benefits; Illinois Insurance  
8 Code requirements. The program of health benefits shall provide  
9 the post-mastectomy care benefits required to be covered by a  
10 policy of accident and health insurance under Section 356t of  
11 the Illinois Insurance Code. The program of health benefits  
12 shall provide the coverage required under Sections 356g.5,  
13 356u, 356w, 356x, 356z.2, 356z.4, and 356z.6 of the Illinois  
14 Insurance Code. The program of health benefits must comply with  
15 Section 155.37 of the Illinois Insurance Code.

16 (Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03;

1 93-102, eff. 1-1-04; 93-853, eff. 1-1-05.)

2 Section 10. The Department of Public Health Powers and  
3 Duties Law of the Civil Administrative Code of Illinois is  
4 amended by changing Section 2310-345 as follows:

5 (20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

6 Sec. 2310-345. Breast cancer; written summary regarding  
7 early detection and treatment.

8 (a) From funds made available for this purpose, the  
9 Department shall publish, in layman's language, a standardized  
10 written summary outlining methods for the early detection and  
11 diagnosis of breast cancer. The summary shall include  
12 recommended guidelines for screening and detection of breast  
13 cancer through the use of techniques that shall include but not  
14 be limited to self-examination and diagnostic radiology.

15 (b) The summary shall also suggest that women seek  
16 mammography services from facilities that are certified to  
17 perform mammography as required by the federal Mammography  
18 Quality Standards Act of 1992.

19 (c) The summary shall also include the medically viable  
20 alternative methods for the treatment of breast cancer,  
21 including, but not limited to, hormonal, radiological,  
22 chemotherapeutic, or surgical treatments or combinations  
23 thereof. The summary shall contain information on breast  
24 reconstructive surgery, including, but not limited to, the use

1 of breast implants and their side effects. The summary shall  
2 inform the patient of the advantages, disadvantages, risks, and  
3 dangers of the various procedures. The summary shall include  
4 (i) a statement that mammography is the most accurate method  
5 for making an early detection of breast cancer, however, no  
6 diagnostic tool is 100% effective and (ii) instructions for  
7 ~~instructions for~~ performing breast self-examination and a  
8 statement that it is important to perform a breast  
9 self-examination monthly.

10 (c-5) The summary shall specifically address the benefits  
11 of early detection and regular comprehensive clinical breast  
12 examinations as well as the mandate that health and government  
13 benefit payers pay for the breast examinations.

14 (d) In developing the summary, the Department shall consult  
15 with the Advisory Board of Cancer Control, the Illinois State  
16 Medical Society and consumer groups. The summary shall be  
17 updated by the Department every 2 years.

18 (e) The summaries shall additionally be translated into  
19 Spanish, and the Department shall conduct a public information  
20 campaign to distribute the summaries to the Hispanic women of  
21 this State in order to inform them of the importance of early  
22 detection and mammograms.

23 (f) The Department shall distribute the summary to  
24 hospitals, public health centers, and physicians who are likely  
25 to perform or order diagnostic tests for breast disease or  
26 treat breast cancer by surgical or other medical methods. Those

1 hospitals, public health centers, and physicians shall make the  
2 summaries available to the public. The Department shall also  
3 distribute the summaries to any person, organization, or other  
4 interested parties upon request. The summaries may be  
5 duplicated by any person, provided the copies are identical to  
6 the current summary prepared by the Department.

7 (g) The summary shall display, on the inside of its cover,  
8 printed in capital letters, in bold face type, the following  
9 paragraph:

10 "The information contained in this brochure regarding  
11 recommendations for early detection and diagnosis of breast  
12 disease and alternative breast disease treatments is only for  
13 the purpose of assisting you, the patient, in understanding the  
14 medical information and advice offered by your physician. This  
15 brochure cannot serve as a substitute for the sound  
16 professional advice of your physician. The availability of this  
17 brochure or the information contained within is not intended to  
18 alter, in any way, the existing physician-patient  
19 relationship, nor the existing professional obligations of  
20 your physician in the delivery of medical services to you, the  
21 patient."

22 (h) The summary shall be updated when necessary.

23 (Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

24 Section 15. The Counties Code is amended by changing  
25 Section 5-1069.3 as follows:

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,  
3 including a home rule county, is a self-insurer for purposes of  
4 providing health insurance coverage for its employees, the  
5 coverage shall include coverage for the post-mastectomy care  
6 benefits required to be covered by a policy of accident and  
7 health insurance under Section 356t and the coverage required  
8 under Sections 356g.5, 356u, 356w, 356x and 356z.6 of the  
9 Illinois Insurance Code. The requirement that health benefits  
10 be covered as provided in this Section is an exclusive power  
11 and function of the State and is a denial and limitation under  
12 Article VII, Section 6, subsection (h) of the Illinois  
13 Constitution. A home rule county to which this Section applies  
14 must comply with every provision of this Section.

15 (Source: P.A. 93-853, eff. 1-1-05.)

16 Section 20. The Illinois Municipal Code is amended by  
17 changing Section 10-4-2.3 as follows:

18 (65 ILCS 5/10-4-2.3)

19 Sec. 10-4-2.3. Required health benefits. If a  
20 municipality, including a home rule municipality, is a  
21 self-insurer for purposes of providing health insurance  
22 coverage for its employees, the coverage shall include coverage  
23 for the post-mastectomy care benefits required to be covered by

1 a policy of accident and health insurance under Section 356t  
2 and the coverage required under Sections 356g.5, 356u, 356w,  
3 356x and 356z.6 of the Illinois Insurance Code. The requirement  
4 that health benefits be covered as provided in this is an  
5 exclusive power and function of the State and is a denial and  
6 limitation under Article VII, Section 6, subsection (h) of the  
7 Illinois Constitution. A home rule municipality to which this  
8 Section applies must comply with every provision of this  
9 Section.

10 (Source: P.A. 93-853, eff. 1-1-05.)

11 Section 25. The School Code is amended by changing Section  
12 10-22.3f as follows:

13 (105 ILCS 5/10-22.3f)

14 Sec. 10-22.3f. Required health benefits. Insurance  
15 protection and benefits for employees shall provide the  
16 post-mastectomy care benefits required to be covered by a  
17 policy of accident and health insurance under Section 356t and  
18 the coverage required under Sections 356g.5, 356u, 356w, 356x  
19 and 356z.6 of the Illinois Insurance Code.

20 (Source: P.A. 93-853, eff. 1-1-05.)

21 Section 30. The Illinois Insurance Code is amended by  
22 adding Section 356g.5 as follows:

1 (215 ILCS 5/356g.5 new)

2 Sec. 356g.5. Comprehensive clinical breast exam.

3 (a) The General Assembly finds that comprehensive clinical  
4 breast examinations are a critical tool in the early detection  
5 of breast cancer, while the disease is in its earlier and  
6 potentially more treatable stages. Insurer reimbursement of  
7 comprehensive clinical breast examinations is essential to the  
8 effort to reduce breast cancer deaths in Illinois.

9 (b) Every insurer shall provide, in each group or  
10 individual policy, contract, or certificate of accident or  
11 health insurance issued or renewed for persons who are  
12 residents of Illinois, coverage for a complete and thorough  
13 comprehensive clinical breast examination for each breast,  
14 performed by a physician licensed to practice medicine in all  
15 its branches, an advanced practice nurse who has a  
16 collaborative agreement with a collaborating physician that  
17 authorizes comprehensive breast examinations, or a physician  
18 assistant who has been delegated authority to provide  
19 comprehensive breast examinations, to check for lumps and other  
20 changes for the purpose of early detection and prevention of  
21 breast cancer as follows:

22 (1) annually for women 18 years of age and older; and

23 (2) at any time at the recommendation of the woman's  
24 health care professional.

25 (c) An insurance policy, contract, or certificate must  
26 provide separate and distinct coverage for physical

1 examinations of the breast as described in subsection (b)  
2 regardless of whether a health care professional performs other  
3 preventive women's health examinations or makes a referral for  
4 other preventive women's health examinations at the same time  
5 the health care professional performs the breast examination.

6 Section 35. The Health Maintenance Organization Act is  
7 amended by changing Section 4-6.5 as follows:

8 (215 ILCS 125/4-6.5)

9 Sec. 4-6.5. Required health benefits; Illinois Insurance  
10 Code requirements. A health maintenance organization is  
11 subject to the provisions of Sections 155.37, 356g.5, 356t,  
12 356u, and 356z.1 of the Illinois Insurance Code.

13 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;  
14 92-651, eff. 7-11-02.)

15 Section 40. The Voluntary Health Services Plans Act is  
16 amended by changing Section 10 as follows:

17 (215 ILCS 165/10) (from Ch. 32, par. 604)

18 Sec. 10. Application of Insurance Code provisions. Health  
19 services plan corporations and all persons interested therein  
20 or dealing therewith shall be subject to the provisions of  
21 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,  
22 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w,

1 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8,  
2 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2,  
3 and 412, and paragraphs (7) and (15) of Section 367 of the  
4 Illinois Insurance Code.

5 (Source: P.A. 93-102, eff. 1-1-04; 93-529, eff. 8-14-03;  
6 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; 94-1076, eff.  
7 12-29-06.)

8 Section 45. The Illinois Public Aid Code is amended by  
9 changing Section 5-16.8 as follows:

10 (305 ILCS 5/5-16.8)

11 Sec. 5-16.8. Required health benefits. The medical  
12 assistance program shall (i) provide the post-mastectomy care  
13 benefits required to be covered by a policy of accident and  
14 health insurance under Section 356t and the coverage required  
15 under Sections 356g.5, 356u, 356w, 356x, and 356z.6 of the  
16 Illinois Insurance Code and (ii) be subject to the provisions  
17 of Section 364.01 of the Illinois Insurance Code.

18 (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05;  
19 revised 10-14-04.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."